

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

SYNEX CORPORATION, a Delaware Corporation,

Plaintiff,

V.

THERA MARIE FREEMAN, an individual; also known as **THERA MARIE SARTORIS**, an individual; **DAVID FREEMAN**, an individual; individually & collectively doing business as **PRIORITY COMPUTER SYSTEMS**; and **DOES 1 to 50**, inclusive,

Defendants.

Case No. 14-cv-01606 NC

**ORDER FINDING ORDER TO
SHOW CAUSE SATISFIED AND
CONTINUING CASE
MANAGEMENT CONFERENCE**

Re: Dkt. Nos. 11, 14

In its June 27 order, the Court noted that the complaint in this case does not contain sufficient allegations to establish the citizenship of defendants Thera Marie Freeman and David Freeman for diversity purposes. Dkt. No. 11. The Court ordered Synnex Corporation to amend its complaint to plead an adequate basis for diversity jurisdiction, or show cause in writing why this action should not be dismissed for lack of federal subject matter jurisdiction. *Id.* Synnex Corporation timely responded to the order to show cause by filing an amended complaint which alleges the diverse citizenship of both defendants. Dkt. No. 12 ¶¶ 1-3. Accordingly, the Court finds that the order to show cause is satisfied.

**Case No. 14-cv-01606 NC
ORDER CONTINUING CMC**

1 Additionally, according to Synnex Corporation's case management statement, Dkt.
2 No. 14, as of July 23, defendant David Freeman had not been served with process. The
3 Court notes that Federal Rule of Civil Procedure 4(m) provides that if a defendant is not
4 served within 120 days after the complaint is filed, the court must dismiss the action
5 without prejudice as to that defendant after notice to the plaintiff. In the case management
6 statement and at the upcoming initial case management conference, Synnex Corporation
7 must show good cause for extending the time for service, or show cause why this action
8 should not be dismissed as to David Freeman under Rule 4(m).

9 The initial case management conference is continued from July 30 to September 17,
10 2014, at 10:00 a.m. in Courtroom A, 15th Floor, U.S. District Court, 450 Golden Gate
11 Avenue, San Francisco, California. The parties must submit a joint case management
12 statement by September 10, 2014.

13 IT IS SO ORDERED.

14 Date: July 29, 2014



Nathanael M. Cousins
United States Magistrate Judge